



# COUNTY OF LOS ANGELES

## CLAIMS BOARD

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

### MEMBERS OF THE BOARD

Maria M. Oms  
Auditor-Controller  
John F. Krattli  
Office of the County Counsel  
Rocky Armfield  
Chief Administrative Office

March 5, 2007

Honorable Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Re: Ronald Green v. County of Los Angeles  
Los Angeles Superior Court Case No. TC 019 218

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$215,000, plus waiver of the County's medical bill in the amount of \$6,835.
2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Department of Health Services.

Enclosed is the settlement request and a summary of the facts of the case.

The Corrective Action Report is being transmitted to you under separate cover by the Department of Health Services.

Return the executed, adopted copy to Georgene Salisbury, Suite 648  
Kenneth Hahn Hall of Administration, Extension 4-1803.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Maria Oms".

Maria M. Oms, Chairperson  
Los Angeles County Claims Board

MMO:gs

Enclosure

# MEMORANDUM

February 6, 2007

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: KENNETH MARANGA, ESQ.  
Maranga & Morgenstein

NARBEH BAGDASARIAN  
Deputy County Counsel  
Health Services Division

RE: Ronald Green v. County of Los Angeles  
Los Angeles Superior Court Case No. TC019218

DATE OF  
INCIDENT: January 3, 2005

AUTHORITY \$215,000.00, plus waiver of the County's medical bill in the amount of  
REQUESTED: \$6,835.00.

COUNTY  
DEPARTMENT: DEPARTMENT OF HEALTH SERVICES


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## CLAIMS BOARD ACTION:

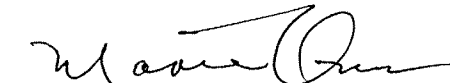
☐ Approve

☐ Disapprove

☒ Recommend to Board of  
Supervisors for Approval

  
\_\_\_\_\_, Chief Administrative Office  
**ROCKY ARMFIELD**

  
\_\_\_\_\_, County Counsel  
**JOHN F. KRATTLI**

  
\_\_\_\_\_, Auditor-Controller  
**MARIA M. OMS**

on March 5, 2007

## **SUMMARY**

This is a recommendation to settle for \$215,000.00 the medical negligence/wrongful death lawsuit brought by the survivor of Charlotte Green, who died after receiving care and treatment at Harbor/UCLA Medical Center ("HUMC") and Martin Luther King/Drew Medical Center ("MLK"). As a part of the settlement, the County will waive its medical bill in the amount of \$6,835.00.

## **LEGAL PRINCIPLES**

The County is liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

## **SUMMARY OF FACTS**

On December 30, 2004, Charlotte Green, a 49-year-old female, underwent an operation at HUMC. The plan was to perform a laparoscopic procedure on her uterus (where the abdomen is not fully opened and surgical instruments are introduced into the abdomen through small openings on the abdominal wall). The purpose of the procedure was to suspend the patient's uterus (to correct the malposition of the uterus). After the procedure began, the staff noticed two fibroids (benign tumors) on the uterus which precluded the suspension procedure. Unable to follow the original plan, the staff proceeded to remove one of the fibroids.

During the procedure, three openings were made on the patient's abdominal wall, one of 10 millimeters and two of 5 millimeters. These openings were made so that the personnel could introduce surgical instruments into the patient's abdomen for the purpose of the suspension procedure. After the procedure was terminated, only the 10 millimeters opening was sutured in this patient. This was in compliance with the instructions of the company that manufactured the device used to create the openings, it being expected that the smaller openings would heal on their own. The patient was discharged home on December 30, 2004.

Two days later, on January 1, 2005, at around 10:40 a.m., Ms. Green was taken to the Emergency Department at MLK with complaints of abdominal pain, nausea and vomiting. At about 5:55 p.m., on January 1, 2005, a CT scan of the abdomen was performed, which revealed a bowel herniation (where a part of the small intestine entered a hole created by the device used to make the openings on the patient's abdominal wall). This is a serious complication which requires immediate surgical intervention.

Ms. Green was not taken to surgery until 10:00 p.m., on January 2, 2005. During the surgery, a portion of the patient's small intestine was removed. Because of the delay in operating, Ms. Green's medical condition deteriorated and she developed severe problems with her cardiopulmonary system. Ms. Green expired on January 3, 2005, at about 8:35 a.m.

### **DAMAGES**

If this matter proceeds to trial, the claimant will likely seek the following:

Pain and Suffering (MICRA Limit)	\$250,000.00
Past medical expenses	\$ 6,835.00
Funeral expenses	\$ <u>15,000.00</u>
<b>TOTAL</b>	<b>\$271,835.00</b>

The proposed settlement includes:

Pain and Suffering	\$144,583.33
Attorney's Fees (MICRA limitation)	\$ 65,416.67
Costs of Litigation (estimate)	\$ <u>5,000.00</u>
<b>TOTAL</b>	<b>\$215,000.00</b>

### **STATUS OF CASE**

Ronald Green filed this medical malpractice lawsuit against the County of Los Angeles. The current trial date has been vacated pending approval of this settlement.

This matter involves medical issues surrounding the care and treatment rendered to Charlotte Green at HUMC and MLK. In addition to the normal discovery in such matters, it was necessary to retain medical experts to review and evaluate the extent of the plaintiff's injuries. Expenses incurred by the County of Los Angeles in the defense of this case through February 6, 2007, are attorney's fees of \$51,085.27 and \$7,310.17 in costs.

The total cost to the County of Los Angeles as a result of this settlement is as follows:

Indemnity (Settlement Amount)	\$215,000.00
County Attorney's Fees and Costs	\$ <u>58,395.44</u>
<b>TOTAL</b>	<b>\$273,395.44</b>

## EVALUATION

Medical experts will be critical primarily of the personnel's delay in performing the surgery at MLK. This delay fell below the standard of care and contributed to the death of Ms. Green. Two roundtables were held in this case. On May 25, 2006, a roundtable was held at HUMC and on May 30, 2006, a roundtable at MLK. It was the consensus of the participants that this is a liability case and that the case should be settled, if possible. The proposed settlement is within the parameters discussed and agreed to at the roundtable.

We join with our private counsel, Kenneth Maranga, Esq., and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$215,000.00 plus waiver of the County's medical bill in the amount of \$6,835.00.

The Department of Health Services concurs in this settlement.

APPROVED:



RICHARD K. MASON  
Assistant County Counsel

NB:bdv

Attachment